

## REMARKS

Claims 1-29 were pending in the application. With this paper, claims 1-14 and 20-24 have been canceled, leaving claims 15-19 and 25-29 under consideration.

Cancellation of the claims is done without prejudice to reintroducing any material removed as a result of these actions. This action is not to be considered a waiver or abandonment of any technology otherwise fully described in the application as filed.

Reconsideration and allowance are respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 102**

The Examiner has rejected claim 1 as being anticipated by Akamatsu et al. (U.S. Pat. No. 6,414,730). Claim 1 has been canceled, thereby making moot the Examiner's rejection under § 102.

### **Claim Rejections Under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 2-5 and 15-29 as being unpatentable over the Akamatsu reference as applied to claim 1.

Claims 2-5 and 20-24 have been canceled, thereby making moot the Examiner's rejection of those claims.

Claim 15 recites, in part:

a passivation layer formed on the data line and the drain electrode and having a first contact hole exposing the drain electrode at least in part and a portion of an upper surface of the gate insulating layer; and

a pixel electrode formed on the passivation layer and contacting the drain electrode and the exposed portion of the gate insulating layer through the first contact hole.

(Emphasis added.)

In support of the rejection, the Examiner states, in part:

It appears that the new particular claimed-structure(s) of the passivation layer and the pixel electrode with respect to the gate insulating layer would have been at least obvious variations (i.e., not patentably distinct) to the passivation layer and the pixel electrode that is recited in claim 1 (further, see least Figures 1-2 of Akamatsu). (Final Office Action, page 4.)

Akamatsu discloses a liquid crystal display device comprising (see at least Figures 1-2): ... wherein the gate insulating layer comprising *at least a portion* that separates the pixel electrode from the insulating substrate. (Final Office Action, page 5; emphasis in original.)

Applicants respectfully traverse the Examiner's rejection. Applicants submit that the Examiner has failed to provide any support for modifying the Akamatsu reference to provide a structure having "a first contact hole exposing the drain electrode at least in part and a portion of an upper surface of the gate insulating layer", as recited in claim 15. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness and the Examiner's rejection is unsupported. Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 103 of claim 15 and claims 16-19, which depend from claim 15.

Claim 25 recites, in part:

a pixel electrode formed on the passivation layer and contacting the drain electrode and the exposed portion of the gate insulating layer through the first contact hole, wherein the pixel electrode contacts an upper surface of the gate insulating layer. (Emphasis added.)

The Examiner has failed to provide any support for modifying the Akamatsu reference to provide a structure in which the pixel electrode contacts an upper surface of the gate insulating layer, as recited in claim 25. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness and the Examiner's rejection is unsupported. Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 103 of claim 25 and claims 26-29, which depend from claim 25.

### **Double Patenting**

Claims 1-5 have been rejected under the judicially-created doctrine of obviousness-type double patenting over claims of U.S. Publication No. 2005/0030440 to Lee et al. With this amendment, claims 1-5 have been canceled, thereby making moot the Examiner's rejection.

## CONCLUSION

With respect to all amendments and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover has not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiment in future continuation and/or divisional applications.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Should the Examiner have any questions, the Examiner is invited to call the undersigned Attorney for Applicants at (408) 392-9250.

**EXPRESS MAIL LABEL NO.  
EV 744 909 085 US**

Respectfully submitted,



Hugh H. Matsubayashi  
Attorney for Applicants  
Reg. No. 43,779